

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

REPORT OF INVESTIGATION (CLOSED)

31JUL06

DEATH (II)

CONTROL: 09MAY06-MWMM-0048-7HMA/C

V/ZABEN, AHMAD GANI/CIV (DECEASED)
M/W/FNIZ/N///IRAQ

COMMAND/HQSVCBN, MCRD SAN DIEGO, CA/34001

MADE AT/MWMM/MIRAMAR CA/ (b)(6), (b)(7)(C) SPECIAL AGENT

REFERENCE(S)

- (A) NCISRA Miramar CA ROI (INTERIM)/22May06 (contains Exhibits 1 and 2)
- (B) NCISRA Miramar CA ROI (INTERIM)/19Jun06 (contains Exhibits 3-6)
- (C) NCISPS Northwest ROI (ACTION)/28Jun06
- (D) NCISRA Miramar CA ROI (INTERIM)/05JUL06 (contains Exhibits 7-9)

EXHIBIT(S)

- (10) E-mail from SA (b)(6), (b)(7)(C) /29Jul06...(copy all)

EXECUTIVE SUMMARY

1. On 09May06, (b)(6), (b)(7)(C), Special Agent (SA), Army Criminal Investigation Division (CID), Fort Irwin, CA submitted a request for assistance in reference to an investigation being conducted by Army CID in AR Ramadi, IZ. SA (b)(6), (b)(7)(C) provided a copy of the Army's current investigation which documents that on 15Feb06, (b)(6), (b)(7)(C) was attached to 5/14 Provisional Military Police Battalion, Ar Ramadi, IZ. During a routine patrol (b)(6), (b)(7)(C) was assigned to B Company 1/109 Infantry, Blue Diamond, IZ as a K-9 Handler, when he was asked to stand watch on the northwest side of a house being searched by the Army Patrol. Witness statements report that an announcement came over a loud speaker in English saying "Beware, prepare to defend yourselves". Shortly after the announcement it was reported that two military age males (MAM) appeared and were believed to be armed. According to the report, (b)(6), (b)(7)(C) and Army Specialist (SPC) (b)(6), (b)(7)(C) 1/109th INF, fired upon the two males, fatally wounding V/ZABEN. After the shooting, three US Army Soldiers, identified as (b)(6), (b)(7)(C) 1/109th INF, (b)(6), (b)(7)(C) 1/109th INF, and (b)(6), (b)(7)(C) (b)(6), (b)(7)(C), 1/109th INF, reportedly started clearing neighboring residences and seizing AK-47 rifles from the local residents. While the neighboring houses were being cleared the report noted that the interpreter assigned to the patrol, (b)(6), (b)(7)(C) (b)(6), (b)(7)(C), was attempting to speak to V/ZABEN. (b)(6), (b)(7)(C) stated that there was no weapon near the body of V/ZABEN and that the military members placed the weapon near the body of V/ZABEN to make it appear that he had been armed. Through investigative efforts documented by Army CID, the weapon identified as being placed at the scene was positively identified as one of the weapons seized during the subsequent searches of the neighboring houses. The H&S BN command and the SJA's office, Marine Corps Recruit Depot (MCRD), San

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SUBJ: V/ZABEN, AHMAD GANI/CIV (DECEASED)

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

Diego has been briefed throughout this investigation.

NARRATIVE

1. This investigation is being conducted pursuant to a suspected violation of Art 118 (Murder) and Art 134 Sec 37 (Obstructing Justice) of the Uniformed Code of Military Justice.

2. On 29JUL06, Reporting Agent (RA) received an e-mail from SA (b)(6), (b)(7)(C) (b)(6), (b)(7)(C), U.S. Army Criminal Investigation Division. (b)(6), (b)(7)(C) informed the criminal charges against (b)(6), (b)(7)(C) USA have been dismissed. As background, (b)(6), (b)(7)(C) participated in an Article 32 Hearing conducted in Iraq on 18Jul06. Exhibit (10) pertains.

3. On 31JUL06, RA spoke telephonically with (b)(6), (b)(7)(C) USMC, Commanding Officer, H&S BN, MCRD, San Diego. (b)(6), (b)(7)(C) informed that (b)(6), (b)(7)(C) departed the USMC on his End of Active Service (EAS) date of 19Jul06. (b)(6), (b)(7)(C) concurred with the closure of this investigation.

4. All investigative tasking has been completed and no criminal charges have been referred for (b)(6), (b)(7)(C); therefore this investigation is closed.

DISTRIBUTION

NCISHQ (SI): 0023B

INFO: MWFO/CO H&S BN (H) (b)(6), (b)(7)(C) SJA (H)/U.S. ARMY CID (M)

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